

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
UNITED STATES OF AMERICA
v.
PAUL KEVIN CURTIS

Criminal No. 3:13MJ019

MOTION FOR CONTINUANCE

Comes now the United States of America, by and through the United States Attorney for the Northern District of Mississippi and files this motion for a continuance of the preliminary hearing and detention hearing in the above cause set for April 19, 2013. In support thereof, the United States would show unto the Court the following:

Paul Kevin Curtis was arrested on a criminal complaint on the evening of April 17, 2013. Said complaint charged Curtis with mailing a threatening communication which contained a granular substance that tested positive for Ricin, a biological toxin, to the President of the United States, in violation of Title 18, United States Code, Section 871. The complaint further charged that Curtis mailed threatening communications to others which include a U.S. Senator and a Lee County, Mississippi, Justice Court Judge which also contained a granular substance that tested positive for Ricin, in violation of Title 18, United States Code, Section 876 (c).

Defendant Curtis made his initial appearance on April 18, 2013, on said complaint. At that hearing the United States moved for his pretrial detention. The Court entered a temporary order of detention pursuant to Title 18, United States Code, Section 3142. The Court set a preliminary hearing and detention hearing for 3:00 p.m. on April 19, 2013, for the convenience of the defendant and his counsel.

Rule 5.1, Federal Rules of Criminal Procedure, mandates that a preliminary hearing be conducted where the defendant has been charged with a felony offense by criminal complaint. Rule 5.1(c) states that the “magistrate judge must hold the preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance if the defendant is in custody.

18 U.S.C. 3142(f) states that a detention hearing “shall be held immediately upon the person’s first appearance before the judicial officer unless....the attorney for the government seeks a continuance.” The section further states that “a continuance on motion for the Government may not exceed three days (not including any intermediate Saturday, Sunday, or legal holiday). The section further states that “[d]uring a continuance, such person shall be detained....”

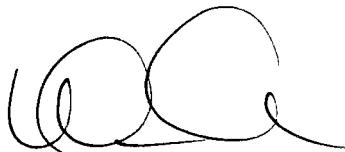
The United States submits that this is a case of national import and significance, an individual accused of crimes of violence involving the mailing of letters containing Ricin, a deadly toxin, to the President of the United States, a U.S. Senator and a state court judge. The hearings should be as complete and thorough as possible. Searches are currently being conducted on the defendant’s residence, vehicle and computer system. Search teams could not enter the residence or vehicle before being inspected by a hazardous materials detection team. Legal process has been issued to internet service providers and telecommunication service providers for records and data. Most of the service providers have not had sufficient time to comply with said process. This investigation is ongoing and additional time is necessary as evidence is presently being collected which may have a bearing on the hearings before this Court.

The United States submits that the above language contained within 18 U.S.C. 3142(f) entitles the government to a continuance of three days, excluding the weekend. For the above reasons, we request a continuance until Monday, April 22, 2013.

Respectfully submitted,

FELICIA C. ADAMS
United States Attorney
MS BAR No. 1049

By:

A handwritten signature in black ink, appearing to read "WILLIAM C. LAMAR".

WILLIAM C. LAMAR
Assistant United States Attorney
MS Bar No. 8479

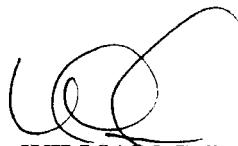
CERTIFICATE OF SERVICE

I, William C. Lamar, Assistant United States Attorney for the Northern District of Mississippi, hereby certify that I electronically filed the foregoing **Motion For Continuance** with the Clerk of the Court using the ECF system which sent notification of such filing to:

Honorable Christi McCoy, mccoylaw@avslaw.com

This the 19th day of August, 2013.

By:



WILLIAM C. LAMAR

Assistant United States Attorney